

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SENJU PHARMACEUTICAL CO., LTD.,
BAUSCH & LOMB INCORPORATED and
BAUSCH & LOMB PHARMA HOLDINGS
CORP.,

Plaintiffs,

v.

AMNEAL PHARMACEUTICALS LLC and
AMNEAL PHARMACEUTICALS INDIA
PVT. LTD.,

Defendants.

Civil Action No. 3:18-05571 (BRM) (TJB)

Civil Action No. 3:18-16991 (BRM) (TJB)

STIPULATED CONSENT JUDGMENT AND INJUNCTION

Whereas Plaintiffs Senju Pharmaceutical Co., Ltd. ("Senju"), Bausch & Lomb Incorporated ("B+L") and Bausch & Lomb Pharma Holdings Corp. ("B+L Pharma Holdings") (collectively, "Plaintiffs") and Defendants Amneal Pharmaceuticals LLC ("Amneal LLC") and Amneal Pharmaceuticals India Pvt. Ltd. ("Amneal Ltd.") (collectively, "Amneal" or "Defendants") have agreed to the terms and conditions representing a negotiated settlement of this action and have set forth those terms and conditions in a Confidential Settlement and License Agreement (the "Settlement Agreement"),

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Amneal, through their undersigned counsel of record, that:

1. In the event that the claims of U.S. Patent No. 8,129,431 ("the '431 Patent"), U.S. Patent No. 8,669,290 ("the '290 Patent"), U.S. Patent No. 8,754,131 ("the '131 Patent"), U.S. Patent No. 8,871,813 ("the '813 Patent"), U.S. Patent No. 8,927,606 ("the '606 Patent"), U.S. Patent No. 9,144,609 ("the '609 Patent"), U.S. Patent No. 9,517,220 ("the '220 Patent"), U.S. Patent No. 9,561,277 ("the '277 Patent") and U.S. Patent No. 10,085,958 ("the '958 Patent")

asserted against Amneal are not held invalid or unenforceable, absent a license or other authorization from Plaintiffs, the '431, '290, '131, '813, '606, '609, '220, '277 and '958 Patents would be infringed by any unlicensed manufacture, sale, offer for sale, use, or importation in the United States of the generic product that is the subject of Amneal's Abbreviated New Drug Application (the "Amneal Product", as defined in the Parties' Settlement Agreement).

2. Amneal and anyone acting on the behalf of Amneal, except as expressly licensed by Plaintiffs, will be enjoined from commercially making, using, offering to sell, selling, or importing, until expiration of the '431, '290, '131, '813, '606, '609, '220, '277 and '958 Patents, the Amneal Product in the United States, except as may be earlier permitted pursuant to the Parties' Settlement Agreement.

3. Notwithstanding any provision of the foregoing, Amneal shall be entitled to contest the infringement, validity and/or enforceability of the '431, '290, '131, '813, '606, '609, '220, '277 and '958 Patents in any future litigation over the '431, '290, '131, '813, '606, '609, '220, '277 and '958 Patents pertaining to any product that is not the Amneal Product and is not the subject of the Amneal ANDA (as defined in the Parties' Settlement Agreement).

4. Each party will bear its own attorneys' fees and costs.

5. This Court will retain jurisdiction to enforce this Stipulated Consent Judgment and Injunction and the parties' related agreements resolving this matter.

6. Plaintiffs acknowledge that Amneal is entitled to maintain its Paragraph IV certification to the '431, '290, '131, '813, '606, '609, '220, '277 and '958 Patents pursuant to 21 C.F.R. § 314.94(a)(12)(v).

7. The Clerk of Court is directed to enter this Stipulated Consent Judgment and Injunction.

Dated: January 2, 2019

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s/ William P. Deni, Jr.
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SO ORDERED this 3rd day of January 2019.



Hon. Brian R. Martinotti, U.S.D.J.